

TITLE 7
SPECIAL PROCEEDINGS

CHAPTER 12
ENFORCEMENT OF CHILD SUPPORT ORDERS

7-1201. STATEMENT OF LEGISLATIVE FINDINGS. The legislature of the state of Idaho finds that a significant number of people who are owed child support are not paid in accordance with the terms of their child support orders; that this causes a severe financial hardship upon custodial parents and constitutes a significant detriment to the rearing and support of minor children whom the orders intended to support. Further, P.L. 98-378 requires each state to implement statutorily prescribed procedures to improve the effectiveness of child support enforcement. Although the department of health and welfare does not have the authority to establish support orders administratively, the act as amended in 1988 enables the department to give full faith and credit to all legally enforceable support orders issued by other states. The collection remedies required by federal law are enacted in section [7-1203](#), Idaho Code.

[7-1201, added 1985, ch. 159, sec. 1, p. 418; am. 1988, ch. 294, sec. 3, p. 935.]

7-1202. DEFINITIONS. As used in this chapter:

(1) "Child support" means a legally enforceable obligation assessed against an individual for the support of a child which shall include medical care, including health insurance premiums for the child, and any amount owing under an order for support during a period in which public assistance was expended.

(2) "Delinquency" means unpaid support for a minor child or spouse which has accrued under an order.

(3) "Department" means the department of health and welfare.

(4) "Obligee" means any person, state agency or bureau entitled by order to receive child support payments or child and spousal support payments.

(5) "Obligor" means any person obligated by order to pay child or spousal support.

(6) "Order" means a judgment, decree, order, or administrative ruling directing a person or persons to pay money for support of a minor child or a spouse.

(7) "Income" means any form of payment to an individual, regardless of source, including, but not limited to, wages, salary, commission, compensation as an independent contractor, worker's compensation, disability, veteran's annuity and retirement benefits, and any other payments made by any person, private entity, federal or state government, any unit of local government, school district or any entity created by a public act.

[7-1202, added 1985, ch. 159, sec. 1, p. 418; am. 1986, ch. 221, sec. 10, p. 591; am. 1988, ch. 294, sec. 1, p. 933; am. 1990, ch. 92, sec. 1, p. 192; am. 1993, ch. 335, sec. 6, p. 1252; am. 1993, ch. 335, sec. 13, p. 1262; am. 1994, ch. 308, sec. 1, p. 964; am. 1998, ch. 207, sec. 1, p. 733.]

7-1203. AVAILABLE REMEDIES. In addition to other remedies available to the department or obligee, collection of any delinquency from an obligor

on behalf of an obligee shall be accomplished through any of the following means:

(1) The department shall intercept and withhold tax refunds to satisfy child support obligations pursuant to section [56-203D](#), Idaho Code.

(2) The department shall intercept and withhold a portion of any unemployment benefit payable to an obligor pursuant to section [72-1365](#), Idaho Code.

(3) The department shall administer a program to withhold a portion of an obligor's income for the benefit of the obligee pursuant to [chapter 12, title 32](#), Idaho Code.

(4) The department shall intercept and withhold a portion of any veteran's benefits payable to an obligor pursuant to state or federal law.

(5) The department shall attach, garnish, or intercept and withhold a portion of any worker's compensation benefits which are payable to an obligor pursuant to [title 72](#), Idaho Code.

[7-1203, added 1985, ch. 159, sec. 1, p. 419; am. 1986, ch. 221, sec. 11, p. 592; am. 1998, ch. 207, sec. 2, p. 734.]

7-1206. DEPARTMENT LIEN FOR CHILD SUPPORT DELINQUENCY. (1) Upon a delinquency under a child support order for which the department is or has been providing child support enforcement services, a lien arises upon and attaches to the real and personal property of an obligor. When the amount of the lien is equal to or greater than the total support owing for at least ninety (90) days, or two thousand dollars (\$2,000), whichever is less, the lien may be perfected by a filing with the office of the secretary of state. A perfected lien shall include all subsequently arising delinquencies. When a lien has been perfected pursuant to this section and the underlying delinquency reaches a zero balance or is otherwise satisfied, the lien is automatically released. Any support order or decree issued or modified after the effective date of this act shall include a provision notifying the obligor that a lien will arise automatically upon a delinquency. A notice of release of lien shall be filed pursuant to section [45-1908](#), Idaho Code.

(2) A lien arising out of a child support order or delinquency under the laws of another state shall be given full faith and credit as if the lien arose out of a child support order or delinquency under Idaho law.

(3) The department shall notify each obligor by certified mail of the filing of the lien at the same time the notice is delivered to the secretary of state. No such lien may be enforced until ten (10) days after notice of the filing of the lien has been given to the obligor.

[7-1206, added 1998, ch. 207, sec. 4, p. 735.]